



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Howard Stein
Serial No.: 10/775,688
Filing Date: 02/10/2004
Title: MASSAGE BALL AND METHOD OF USE
Group Art Unit: unknown
Examiner: unknown
Attorney's Docket No.: STEIN-1 CIP

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.56, 1.97 and 1.98, Applicant hereby makes the following documents of record in the above-identified application:

U.S. Patents

- (1) U.S. Patent No. 4,198,962, issued 04/22/1980 to McCauley
- (2) U.S. Patent No. 4,347,838, issued 09/07/1982 to McCauley
- (3) U.S. Patent No. 4,329,981, issued 05/18/1982 to Dungl
- (4) U.S. Patent No. 4,807,602, issued 02/28/1989 to Scarborough et al.
- (5) U.S. Patent No. 5,056,507, issued 10/15/1991 to Yum
- (6) U.S. Patent No. 4,446,855, issued 05/08/1994 to Friedson
- (7) U.S. Patent No. 5,411,470, issued 05/05/1995 to Liptak et al.
- (8) U.S. Patent No. 5,785,668, issued 07/28/1998 to Shimizu
- (9) U.S. Patent No. 5,605,533, issued 02/25/1997 to Badilla
- (10) U.S. Patent No. 5,868,689, issued 02/09/1999 to Faroky et al.
- (11) U.S. Patent No. Des. 403,076, issued 12/22/1998 to York

Publications

- (12) U.S. Patent Publication No. 2002/0009118 A1, by Sabo et al. published 01/09/2003

Foreign Patents

- (13) International Patent Publication No. WO 00/66065 A1, published 09/11/2000 by Wu

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Other Documents

- (14) <http://info.product-finder.net/myss/Medium+Thermal+Massage+Ball.html> (on-line catalog item - Prana Ball) - available prior to filing date
- (15) <http://www.mcsports.com/product/index.jsp?productId=1368024> (Homedics Sole Therapy Deluxe Vibration Footbath w/Infrared & Rollers) - available prior to filing date
- (16) <http://www.mcsports.com/product/index.jsp?productId=1283593> (on-line catalog item - Altus Massage Stick) - available prior to filing date
- (17) <http://www.mcsports.com/product/index.jsp?productId=1283592> (on-line catalog item - Altus Foot Massage and Balance Balls) - available prior to filing date
- (18) <http://www.lazycomfort.com/acfootmas.html> (on-line catalog item - Accu-Flex Foot Massager) - available prior to filing date
- (19) <http://www.lazycomfort.com/footfootmas.html> (on-line catalog item - Footsie Foot Massager) - available prior to filing date
- (20) <http://www.lazycomfort.com/woodfootmas.html> (on-line catalog item - Foot Rub Massagers) - available prior to filing date
- (21) B. FULLEM, "Planting the Pain in Your Foot - What Causes Plantar Fascitis and How to Deal with It," <https://www.runningtimes.com/issues/02apr/pf.htm> (April 2002)
- (22) <http://www.widgets.ws/prod/Walter-Drake/Foot-Care/Hot-and-Cold-Foot-Massager.html> (on-line catalog item - Hot and Cold Foot Massagers) - available prior to filing date
- (23) <http://www.luckycat.com/cgi-bin/tbasgo2.pl?2001nov+massager1a=jpg&page17&HE-ROLL&400&228&1> (on-line catalog item - Massage Roller) - available prior to filing date
- (24) <http://www.luckycat.com/cgi-bin/tbasgo2.pl?2001nov+massager2a=jpg&page17&HE-FT&400&200&1> (on-line catalog item - Foot Massager) - available prior to filing date

Copies of documents 1-10 and 12-24, which are listed on the accompanying Form PTO-1449 (three pages), were previously submitted to, or cited by, the Office in U.S. Application Serial No. 10/619,298. A copy of document 11 is enclosed herewith. Applicant respectfully requests that these documents be fully considered by the U.S. Patent and Trademark Office during the examination of this application and printed on any patent which may issue on this application. Applicant also respectfully requests that a copy of Form PTO-1449 (three pages), as considered and initialed by the Examiner, be returned to the undersigned with the next communication.

The enclosed documents may have markings thereon. Applicant is not presently aware of the source of those markings, and no significance is meant to be attached thereto.

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It is believed that this disclosure complies with the requirements of 37 CFR 1.56, 1.97 and 1.98. If for any reason the Examiner considers otherwise, it is respectfully requested that the undersigned be contacted by the Examiner by telephone in order that any deficiencies may be expeditiously remedied.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No certification or fee is believed to be required.

Please charge any additional fees due in connection with this submission, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this submission is enclosed for the convenience of the Examiner.

Thank you.

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1450, ON:

March 16, 2004

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 3/16/04

(SIGNATURE)

March 16, 2004

(DATE OF SIGNATURE)

Respectfully submitted,

Mark J. Pandiscio 3/16/04

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	10/775,688
		Filing Date	02/10/2004
		First Named Inventor	Howard Stein
		Art Unit	unknown
		Examiner Name	unknown
Sheet 2	of 3	Attorney Docket Number	STEIN-1 CIP

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		http://info.product-finder.net/myss/Medium+Thermal+Massage+Ball.html (on-line catalog item - Prana Ball) - available prior to filing date	
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Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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		Art Unit	unknown
		Examiner Name	unknown
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